

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANDRADE ANTONIO,

Civil No. 12-CV-1203 (MJD/TNL)

Petitioner,

v.

ORDER

ERIC HOLDER, U.S. Attorney General,
JANET NAPOLITANO, Secretary of
Homeland Security, JOHN MORTON,
U.S. ICE Director for Minnesota, and
JOEL L. BROTT, Sherburne County Sheriff or
Warden, Center of Immigration Detention,

Respondents.

Andrade Antonio, 201004963, Sherburne County Jail, 13880 Business Center Drive, Elk River, MN 55330 (pro se plaintiff);

Erika R. Mozangue, Friedrich A. P. Siekert and Gregory G. Brooker, Assistant United States Attorneys, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415 (for Defendant).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated August 3, 2012 (Docket No.6), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for leave to proceed in forma pauperis (Docket No. 2) is

DENIED;

2. Petitioner's motion for appointment of counsel (Docket No. 3) is **DENIED**; and
3. This action is **DISMISSED WITHOUT PREJUDICE**.

Date: September 6, 2012

s/Michael J. Davis
The Honorable Michael J. Davis
United States District Court Judge
for the District of Minnesota